

FISCAL NOTE
SB 2762 – HB 3244

March 11, 2006

SUMMARY OF BILL: Enacts the *Tennessee Food Allergy and Anaphylaxis Management Act of 2006* and requires the Department of Education to establish a model policy for LEAs to adopt in schools in order to manage issues relating to food allergies and anaphylaxis. Requires the school nurse, other appropriate school personnel (including teachers), and appropriate parent volunteers to receive training in the recognition of the symptoms and emergency treatment of anaphylaxis. Resuscitation drugs and trained adult personnel must accompany a child who participates in extracurricular activities. The school is prohibited from stocking vending machines with any food items or selling fund-raising products which contains an offending allergen.

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Expenditures – Exceeds \$2,500,000*
Exceeds \$24,000,000/Permissive
Decrease Local Govt. Revenues – Not Significant

Assumptions:

- The primary expenditures are in two areas: (1) training of the staff; and (2) the requirement that trained adult personnel must remain in constant observation, supervision, and monitoring of the affected child during extracurricular activities which may include field trips and before and after-school care.
- The cost to LEAs would depend upon the number of children engaged in extracurricular activities with documented anaphylaxis that would require monitoring and whether there are existing teaching assistants or other personnel in schools who could be trained and be available to accompany and monitor such child's extracurricular activities.
- The average salary of a teaching assistant is \$12,000 plus \$3,000 benefits. If at least one student has a documented allergy in each of the 1,600 schools in the state, the cost to add one teaching assistant in each school could be expected to exceed \$24,000,000.
- If schools decide not to hire additional teaching assistants, but instead opt to train another individual to monitor the child, training costs are expected to be \$1,600 per person which could exceed \$2,500,000 to train one person in each school.
- If food items designated as allergenic must be removed from vending machines, LEAs could lose some revenues, but is assumed that such items would be replaced with allergen-free food items.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

SB 2762 – HB 3244